

House Resolution 1306 (AS PASSED BY HOUSE AND SENATE)

By: Representatives Golick of the 34th, Willard of the 49th, Richardson of the 19th, Roberts of the 154th, Smith of the 129th, and others

A RESOLUTION

Proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; to restrict the use of eminent domain for redevelopment purposes to the elimination of harm; to provide that the use of eminent domain by counties and municipalities shall be subject to limitation by general law; to prohibit the use of eminent domain by certain nonelected local authorities; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IX, Section II of the Constitution is amended by striking subparagraphs (a) and (b) of Paragraph VII and inserting in lieu thereof the following:

~~"(a) The General Assembly may authorize any county, municipality, or housing authority to undertake and carry out community redevelopment, which may include the sale or other disposition of property acquired by eminent domain to private enterprise for private uses. Each condemnation of privately held property for redevelopment purposes must be approved by vote of the elected governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. The power of eminent domain shall not be used for redevelopment purposes by any entity, except for public use, as defined by general law.~~

~~(b) In addition to the authority granted by subparagraph (a) of this Paragraph, the The General Assembly is authorized to grant to counties or municipalities for redevelopment purposes and in connection with redevelopment programs, as such purposes and programs are defined by general law, the power to issue tax allocation bonds, as defined by such law, and the power to incur other obligations, without either such bonds or obligations constituting debt within the meaning of Section V of this article, and the power to enter into contracts for any period not exceeding 30 years with private persons, firms, corporations,~~

1 and business entities. Notwithstanding the grant of these powers pursuant to general law,
2 no county or municipality may exercise these powers unless so authorized by local law and
3 unless such powers are exercised in conformity with those terms and conditions for such
4 exercise as established by that local law. The provisions of any such local law shall
5 conform to those requirements established by general law regarding such powers. No such
6 local law, or any amendment thereto, shall become effective unless approved in a
7 referendum by a majority of the qualified voters voting thereon in the county or
8 municipality directly affected by that local law."

9 SECTION 2.

10 Said Article IX, Section II of the Constitution is further amended by striking Paragraph V
11 and inserting in lieu thereof the following:

12 "Paragraph V. ***Eminent domain.*** The governing authority of each county and of each
13 municipality may exercise the power of eminent domain for any public purpose subject to
14 any limitations on the exercise of such power as may be provided by general law.
15 Notwithstanding the provisions of any local amendment to the Constitution continued in
16 effect pursuant to Article XI, Section I, Paragraph IV or any existing general law, each
17 exercise of eminent domain by a nonelected housing or development authority shall be first
18 approved by the elected governing authority of the county or municipality within which the
19 property is located."

20 SECTION 3.

21 The above proposed amendment to the Constitution shall be published and submitted as
22 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
23 above proposed amendment shall have written or printed thereon the following:

24 "() YES Shall the Constitution of Georgia be amended so as to prohibit the use of
25 eminent domain by certain nonelected authorities and to prohibit the
26 () NO contested use of eminent domain except for public use as defined by general
27 law?"

27 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
28 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
29 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
30 become a part of the Constitution of this state.